

I FUNDING FOR SPECIALIZED BOOKS, MATERIALS AND EQUIPMENT FOR LOW INCIDENCE STUDENTS

Summary of Legal Requirements

Education Code Section 56836.22 provides for funds to purchase specialized books, materials, and equipment as required under the individualized education program (IEP) for each pupil with low incidence disabilities as defined in Section 56026.5 ("hearing impairments, vision impairments, severe orthopedic impairments, or any combination thereof").

Funding is determined by dividing the total number of pupils in California with low incidence disabilities, as reported in the December 1, unduplicated pupil count, in the following categories: hard of hearing, deaf, visually impaired, orthopedically impaired, and deaf-blind of the prior fiscal year (**29,265**), into the annual appropriation provided for this purpose in the Budget Act + 3.87% COLA (**\$10,498,140.90**), resulting in a per pupil entitlement of (**\$358.73 per pupil**). The Budget Act for fiscal year 2001-2002 allows this funding to be used only "for purchase, repair and inventory maintenance."

As a condition of receiving these funds, "the responsible local agency shall ensure that the appropriate books, materials, and equipment are purchased, the use of the equipment is coordinated as necessary, and that the books, materials, and equipment are reassigned to local education agencies within the special education local plan area once the agency that originally received the books, materials, and equipment no longer needs them."

It is also the "intent of the Legislature that local plan areas share unused low incidence books, materials, and equipment with neighboring special education local plan areas." Items purchased with these funds may only be used by students with low incidence disabilities, unless a waiver has been approved by the State Board of Education.

Existing law (Education Code 56822) provides that "sound recordings, large print, and Braille books purchased, instructional materials transcribed from regular print into special media, and special supplies and equipment purchased for individuals with exceptional needs for which state or federal funds were allowed, are property of the state, and shall be available for use by individuals with exceptional needs throughout the state as the board shall provide."

Education Code Section 56320(g) requires that:

"The assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment consistent with guidelines established pursuant to Section 56136." (See also Section 44265.5 cited on page 5.)

Education Code Section 56327(h) states, "The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all of the following:

"The need for specialized services, materials, and equipment for pupils with low incidence disabilities consistent with guidelines established pursuant to Section 56136."

Education Code Section 56345(b)(5) states, "When appropriate, the individualized educational program shall also include....:

For pupils with low incidence disabilities, specialized services, materials, and equipment, consistent with guidelines established pursuant to Section 56136."

Section 56136 of the Education Code requires the Superintendent of Public Instruction to "develop guidelines for each low incidence disability area and provide technical assistance to parents, teachers, and administrators regarding the implementation of the guidelines."

Education Code Section 56201 states, "As a part of the local plan submitted pursuant to Section 56200, each special education local plan area shall describe how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve pupils in isolated sites and maximizes the opportunities to serve pupils in the least restrictive environment."

The Individuals with Disabilities Education Act (IDEA) now requires that the IEP team shall "consider whether the child requires assistive technology devices and services" for all students with disabilities. New IEP requirements also include the need for "...Braille" for students who are "blind or visually impaired", and "language and communication needs..." "for students who are "deaf or hard of hearing. The Special Education Division's website contains a memorandum regarding assistive technology, and details on these, and other of the changes in federal and state requirements resulting from reauthorization of IDEA, AB 602, and other legislation. The website will contain a Low Incidence Directory, to include a listing of public school programs and a directory of non-profit agencies, individuals, and organizations which can provide services, knowledge, expertise or other resources.

Since the use of these funds is limited to books, materials, and equipment, for students with low incidence disabilities, the purchase must relate to the unique educational needs resulting from the low incidence disability as indicated in the IEPs of eligible students. For example, regular textbooks and workbooks would not qualify in contrast to large print or Braille books for students who are visually impaired. Bolsters and mats for young children should be a part of basic equipment and would not qualify, while specialized or adapted feeding and self-care equipment, needed by children because of their severe orthopedic impairments, would qualify. It is therefore important that specialized teachers who are credentialed to serve students with specific low incidence disabilities be involved in the team assessment process and in IEP meetings. That will assure that books, materials and equipment considered for purchase for low incidence students are related directly to the unique educational needs resulting from a low incidence disability.

It is permissible to "pool" funds to be used by one or more students with low incidence disabilities, and there is no legal limitation on the amount of funding for any particular student.

Since there may not be adequate funding in FY 2001-2002 for all students, responsible local agencies should establish a priority for the allocating of these funds, using procedures outlined in the SELPAs local plan for special education.

These funds may not be used for staff development. Therefore, it is suggested that technical support and training be included when equipment is purchased. SELPAs are encouraged to collaboratively develop regionalized multi-agency funded centers that can provide ongoing technical support, training and address other activities and assure funds are used in the most cost-effective manner.

These funds may not be used to purchase medical therapy units for California Children's Services. Local education agencies shall provide necessary space and equipment for the provision of occupational therapy and physical therapy in the most efficient and effective manner.

These funds may not be used to purchase medical equipment needed for providing specialized health needs since California Code of Regulations, Title 5, Section 3051.12(b)(3)(c), states that "the school district shall not be required to purchase medical equipment for an individual student."

These funds may not be used to construct or alter facilities (for example, building ramps), or to acquire storage units.

Books, materials and equipment for low incidence students may be used by students with low incidence disabilities enrolled in non-public and private schools, or in the student's home, when required under the IEP, pursuant to SELPA local plan policies and procedures. Reasonable care must be provided, however, to prevent damage, loss or theft.

Funds are to be used to supplement, and not to supplant other available funding for books, materials and equipment provided through the base program for general education and/or special education students or to furnish classrooms for these students. (e.g., basic computers or other basic technology should not be purchased with low incidence funds unless it can clearly be determined to fulfill a specialized function, format or adaptation directly related to the low incidence disability). General education and other special education funding should be used for purchasing these basic items. Funds are not to be used to supplant books, equipment and materials that have been provided by other agencies.

Please note that purchasing specialized equipment and materials for infants is also an allowable expenditure for Part C (formerly part H) funds.

Since funding is limited, it is important that the use of those funds for "coordinating" be kept at a minimum. Funds must be used only as necessary to allow for the tracking of books, materials and equipment for students with low incidence disabilities.

The Clearinghouse for Specialized Media and Technology (CSMT) can assist SELPAs in reassigning useable surplus materials and equipment statewide and disposal of unusable surplus items. It is important that individuals, LEAs and SELPAs use the Internet and other networking strategies to facilitate sharing specialized books, materials, and equipment among low incidence students. If you have any questions or

need assistance in this area, please contact:

Rod Brawley, Consultant, CSMT
California Department of Education
State Special Schools and Services Division
560 J Street, Room 390
Sacramento, California 95814-2343
VOICE/TTY: (916) 445-5103
FAX: (916) 323-9732
WEB PAGE: <http://www.cde.ca.gov/csmt> E-MAIL: rbrawley@cde.ca.gov

Guidelines for each low incidence disability, published by the California Department of Education, provide additional information pursuant to Education Code Section 56345(b)(5) that should be helpful in providing specialized books, materials and equipment. Copies of the guidelines may be ordered from:

California Department of Education
Publication Sales
P.O. Box 271
Sacramento, California 95812-0271
Telephone: (916) 445-1260 or (800) 995-4099
<http://www.cde.ca.gov/publications/Pub.html>

If you need technical assistance in serving students with low incidence disabilities, contact:

| | | |
|-------------------------------|-------------------|----------------|
| Assistive Technology | Dennis Kelleher | (916) 327-0842 |
| Deaf-Blind | Dennis Kelleher | (916) 327-0842 |
| Deaf/Hard of Hearing | Nancy Grosz Sager | (916) 327-3868 |
| | Dick Crow | (916) 445-4548 |
| Regionalization | Nancy Grosz Sager | (916) 327-3868 |
| | Dick Crow | (916) 445-4548 |
| | Dennis Kelleher | (916) 327-0842 |
| Severe Orthopedic Impairments | Dennis Kelleher | (916) 327-0842 |
| Visual Impairments | Dennis Kelleher | (916) 327-0842 |

II FUNDING FOR SPECIALIZED SERVICES FOR STUDENTS WITH LOW INCIDENCE DISABILITIES

Summary of Legal Requirements

The Budget Act for FY 2001-2002 appropriates \$1,700,000, which shall be used to provide specialized services to pupils with low incidence disabilities, as defined in Section 56026.5 ("hearing impairments, vision impairments, severe orthopedic impairments, or any combination thereof.")

Education Code Section 56320(g) requires that:

The assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials and equipment consistent with guidelines established pursuant to Section 56136."

Education Code Section 56327(h) states, "The personnel who assess the pupil shall

prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all the following:

The need of specialized services, materials and equipment for pupils with low incidence disabilities consistent with guidelines established pursuant to Section 56136."

Education Code Section 56345(b)(5) states, "When appropriate, the individualized education program shall also include...."

For pupils with low incidence disabilities, specialized services, materials and equipment, consistent with guidelines established pursuant to Section 56136."

Education Code Section 56136 requires the Superintendent of Public Instruction to "develop guidelines for each low incidence disability area, and provide technical assistance to parents, teachers, and administrators regarding the implementation of the guidelines. The guidelines shall clarify the identification, assessment, planning of, and the provision of specialized services to pupils with low incidence disabilities."

Education Code Section 44265.5 outlines credential requirements for specialized teachers serving students with low incidence disabilities:

- (a) Pupils who are visually impaired, as defined in Section 56350, shall be taught by teachers whose professional preparation and credential authorization are specific to that disabling condition.
- (b) Pupils who are deaf or hard of hearing shall be taught by teachers whose professional preparation and credential authorization are specific to that disabling condition.
- (c) Pupils who are orthopedically disabled shall be taught by teachers whose professional preparation and credential authorization are specific to that disabling condition.

Education Code Section 56363(b)(16) states the Designated Instruction and Services (DIS) "may include but not be limited to:

Specialized services for low incidence disabilities, such as readers, transcribers, and vision and hearing services."

These services are further defined in California Code of Regulations, Title 5, Section 3051.16:

"Specialized Services for low incidence disabilities may include:

- (b) Specialized services related to the unique needs of pupils with low incidence disabilities provided by qualified individuals such as interpreters, notetakers, readers, transcribers, and other individuals who provide specialized materials and equipment."

Education Code Section 56201 states, "As a part of the local plan submitted pursuant to Section 56200, each special education local plan area shall describe how specialized equipment and services will be distributed within the local plan area in a manner that minimizes the necessity to serve pupils in isolated areas and maximizes the opportunities to serve pupils in the least restrictive environments."

Individuals with Disabilities Education Act (IDEA) now requires that the IEP team, "consider

whether the child requires assistive technology devices and services" for all students with disabilities, as well as other requirements. The Special Education Division's website contains a memorandum regarding assistive technology, and details on these, and other of the changes in federal and state requirements resulting from reauthorization of IDEA, AB 602, and other legislation.

The website will also contains a Low Incidence Directory, to include a listing of public school programs and a directory of non-profit agencies, individuals, and organizations which can provide services, knowledge, expertise or other resources.

GUIDELINES - Specialized Services

- **Eligibility**

Funds may be used for all pupils with low incidence disabilities (ages 0-21) as defined in law, even though they may have been counted in another category in the pupil count. For example, a pupil who is deaf and also mentally retarded would still be eligible even if the pupil was reported in the latter category or as multihandicapped. Also, some pupils counted as orthopedically handicapped may not be eligible because they are not "severely orthopedically handicapped" as per the definition in Education Code Section 56026.5. Pupils with severe orthopedic impairments require highly specialized services, materials and equipment per Education Code Section 56000.5(b).

- **Responsibility**

The SELPA has responsibility for the use of these funds, including accountability of how the funds are used. It is the responsibility of local education agencies within the SELPA to cooperate with the SELPA by providing the information needed for the proper administration of the funds.

- **Allocation of Funds**

SELPA's that serve 1-24 students with low incidence disabilities will receive base funding of \$2000, plus \$33.94 per student. SELPA's serving 26 or more students will receive base funding of \$5000, plus \$33.94 per pupil. The per-pupil allocation is computed by taking the budget amount of \$1,700,000, and subtracting 10%, (\$170,000). The \$170,000 is to be used for grants to sparse SELPA's. SELPA's that serve fewer than 26 students with low incidence disabilities may apply for the additional funds for low incidence specialized services through the attached application. Funds will be provided based on demonstrated need to the extent that funding is available. The funds are not entitlements, and the funding amounts may vary from year to year.

As stated above, the Department will reserve **\$170,000** for this purpose, in order to meet the special needs of these sparse SELPA's serving the low incidence student population. Approved applications (form is attached) will be funded utilizing the following timeline and process:

- a. Applications, with the required documentation, must be received by the Department of Education by 4:00 PM **January 15, 2002.**
- b. Between January 16, and January 31, the completed applications will be reviewed by a panel of SELPA/Special Education Directors

- c. By February 15, award letters will be sent to the successful applicants

Following is a list of the SELPAs who are eligible to apply, based on the December, 2000 Low Incidence Pupil Count:

| <u>SELPA</u> | <u>PUPIL COUNT</u> |
|---|--------------------|
| Colusa County | 19 |
| Glenn County. | 19 |
| Inyo County. | 12 |
| Lassen County. | 17 |
| Los Angeles County Juvenile Court Schools . . | 4 |
| Modoc County. | 3 |
| Mono County. | 8 |
| Plumas County. | 24 |
| Sierra County. | 1 |
| Trinity County. | 9 |

Use of Funds (All SELPAs)

The use of these funds is limited to low incidence specialized support services such as "interpreters, notetakers, readers, transcribers, and other individuals who provide specialized services to students with low incidence disabilities pursuant to Education Code Section 56026.5.

Services funded are limited to direct services to the pupil or pupils with low incidence disabilities, and cannot be used for services to staff, or for any other purpose

Since the use of these funds is limited to "specialized" services, they must relate to the unique educational needs resulting from the pupil's low incidence disability or disabilities. It is important that specialized teachers who are credentialed to serve students with specific low incidence disabilities be involved in the assessment process, as well as in IEP meetings.

This will assure that specialized services are directly related to the unique educational needs of the student with the diagnosed low incidence disability or disabilities. Funds should not be used to provide services to meet other special education needs of these pupils or general education needs provided through the base program.

Funds are to be used to supplement, and not to supplant existing services (i.e., funds are to be used for additional services beyond those funded by a unit or through the base program). Funds may not be used to supplant services that have been provided by another agency.

It is permissible to "pool" funds to be used by one or more pupils with low incidence disabilities. Since there may not be adequate funding to meet the needs of all pupils, SELPAs should establish a priority for the use of these funds.

Please note that purchasing specialized services for infants is also an allowable expenditure for Part C (formerly Part H) funds. Services must relate to a documented need for the services in the IEP/assessment results for each pupil receiving the service, or services. Funds should, therefore, not be used to fund staff development.

Personnel providing services to meet the specialized health care needs related to a student's low incidence disability must meet the requirements of the California Code of Regulations, Title 5, Section 3051.12(b).

Guidelines for each low incidence disability, published by the California Department of Education, provide additional information pursuant to Education Code Section 56345(b)(5). These publications will be of assistance in providing specialized services. Prices and ordering information can be obtained from:

California Department of Education
Publication Sales
P.O. Box 271
Sacramento, California 95812-0271
Telephone: (916) 445-1260 or (800) 995-4099
<http://www.cde.ca.gov/publications/Pub.html>

It is recommended that regionalization be used to provide services to students with low incidence disabilities, whenever possible. A report, titled Regionalization for Students with Low Incidence Disabilities, developed pursuant to ACR 55, provides information regarding the effectiveness of using regionalization. For a copy of this document, contact:

Resources in Special Education (RISE)
Sonoma State University - CIHS
1801 E. Cotati Avenue
Rohnert Park, California 94928
(707) 664-4394 or FAX (707) 664-2417

For assistance in information relating to regionalization, please contact the individuals listed on page 5 of this memorandum.

IMPORTANT NOTE: Since this funding is provided through federal discretionary funds, they cannot be carried over.

These funds will be allocated to SELPAs after the federal grant award is accepted by the Department of Education.

**APPLICATION FOR FUNDING TO PROVIDE SPECIALIZED SERVICES
FOR SELPAS SERVING LESS THAN 26 STUDENTS
WITH LOW INCIDENCE DISABILITIES - 2001-02**

SELPA _____ CONTACT PERSON _____

ADDRESS _____ TELEPHONE _____

| DESCRIPTION OF SERVICE NEEDED | STAF F FTE | COST INCLUDING BENEFITS | # PUPILS TO BE SERVED | LOW INCIDENCE DISABILITY |
|----------------------------------|---------------|----------------------------|--------------------------|-----------------------------|
| | | | | |
| | | | | |
| | | | | |

On a separate attachment, please provide a narrative that describes the need for the services. Along with the narrative, include documentation to support student eligibility as determined by:

1. Assessment results, that include a statement as to the need for specialized services, pursuant to EC 56320(g), and 56327(h). **The submitted documents shall exclude any personally identifiable student information.**
2. IEP documents that confirm the need for the specialized services requested in the application as required in EC 56136. **These documents shall also exclude any personally identifiable student information.**

Pursuant to EC 56201, and in the space provided, please reference the part of your local plan that describes how specialized equipment and services will be distributed within the local plan area that minimizes the necessity to serve pupils in isolated sites, and maximizes the opportunities to serve pupils in the least restrictive environment. Local Plan

section _____ page number _____.

If this application is approved, are staff currently available to provide the services?

Yes _____ No _____

If no, please include an explanation with your application, including a projected date as to when the staff will be available.

Signing this application certifies that the services being requested will be provided by qualified individuals, such as interpreters, notetakers, readers, transcribers, and other individuals who provide specialized materials and equipment, pursuant to the California Code of Regulations, Title 5, Section 3051.16.

I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND ACCURATE.

SELPA ADMINISTRATOR DATE _____

Application must be received by CDE no later than 4:00 PM January 15, 2002

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